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### **REMARKS**

The application has been reviewed in light of the Office Action dated October 27, 2005. Claims 1-27 and 37-47 are pending in this application. Claim 36 has been cancelled. The Examiner has allowed claims 37-47, for which Applicants express their appreciation. By the present Amendment, claims 1, 15 and 21 have been amended. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

#### **The Anticipation Rejection**

Claims 1-3, 6, 8-9, 11-13, and 20 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,764,300 (Martschitsch). Applicants have carefully considered the Examiner's comments and the cited reference, and respectfully submit that amended independent claim 1 is patentably distinct from the cited reference for at least the following reasons set forth below.

Amended independent claim 1 (and the claims dependent thereon) relate to an apparatus for controlling a wireless purchase of merchandise from a vending machine, the apparatus comprising a controller device for directly controlling vending operations of the vending machine without requiring authorization from a central computer, wherein the controller device is directly interfaced to one or more circuits of the vending machine, and a wireless modem device for active communication between a network and the controller device. The wireless modem device receives via the network a short message originated from a purchaser and communicates the short message to the controller device. Thus, upon the receipt of the short message, the controller initiates a vending operation, directly controls the vending operation, and communicates

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transaction information of the vending operation to a central computer for inventory purposes.

Martschitsch, as understood by applicants, relates to a transaction method and selling system that utilizes an extension module that is digitally interfaced to the vending machine controller via the controller's system bus. Applicants maintain that Martschitsch does not disclose an apparatus for controlling a wireless purchase of merchandise from a vending machine, which comprises a controller for directly controlling vending operations of the vending machine, particularly where the controller is directly interfaced to one or more circuits of the vending machine; and a wireless modem device for active communication between a network and the controller wherein communication can be initiated by either the network or the controller.

Furthermore, Martschitsch does not disclose a controller device that can operate without requiring authorization from a central computer. Instead, Martschitsch requires the use of a service center (3) (see column 7, lines 8-23). In other words, Martschitsch does not disclose a controller device that, upon receipt of a short message, initiates a vending operation, directly controls the vending operation, and communicates transaction information of the vending operation to a central computer without requiring authorization from a central computer. For at least these reasons, Applicants submit that amended independent claim 1 and 2-3, 6, 8-9, 11-13 and 20 are patentable over Martschitsch. Reconsideration and withdrawal of this rejection is respectfully requested.

### **The Obviousness Rejections**

Claims 4-5 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Martschitsch in view of U.S. Patent No. 6,056,194 (Kolls). Claims 4-

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5 depend from independent claim 1 and are believed to define patentable subject matter over Martschitsch at least for the reasons set forth above. There is simply nothing to suggest the combination set forth in the claims as amended. Reconsideration and withdrawal of this rejection is respectfully requested.

Applicants respectfully traverse the rejection of claim 15, and submit that Martschitsch in view of Kolls does not render the amended claim 15 obvious. Applicants maintain that Martschitsch does not disclose a controller for directly controlling vending operations of the vending machine, with the controller directly interfaced to one or more circuits of the vending machine and initiating a vending operation and transmitting transaction information about the vending operation to a central computer; a wireless modem for active communication between a network and the controller device; and a controller that, upon receipt of a short message from a purchaser, simulates a purchase signal and send the simulated purchase signal to the controller of the vending machine to initiate the vending operation and send vending transaction information to the central computer.

Furthermore, Martschitsch does not disclose a controller device that can operate without requiring authorization from a central computer. Instead, Martschitsch requires the use of a service center (3) (see column 7, lines 8-23). In other words, Martschitsch does not disclose a controller device that, upon receipt of a short message, initiates a vending operation, directly controls the vending operation, and communicates transaction information of the vending operation to a central computer without requiring authorization from a central computer.

Applicants maintain that Kolls does not supply the missing link. Kolls' network nodes (28, 30 and 32), like Martschitsch but unlike the present invention, communicate

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with the vending machine through a coin changer interface (see column 6, lines 13-15).

Applicants' controller directly controls the vending machine or simulated operations. Thus, it appears that neither Martschitsch nor Kolls, whether taken singularly or in combination, render amended independent claim 15 obvious.

Accordingly, it is submitted that independent claim 15 defines patentable subject matter over Martschitsch in view of Kolls. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 7, 10, 14, 21-22 and 26-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Martschitsch in view of U.S. Patent No. 6,547,038 (Defosse). Claims 7, 10, and 14 depend from independent claim 1 and are believed to define patentable subject matter over Martschitsch at least for the reasons set forth above. Reconsideration and withdrawal of this rejection is respectfully requested.

Applicants respectfully traverse the rejection of independent claim 21, and submit that Martschitsch in view of Defosse does not render the amended claims obvious. Applicants maintain that Martschitsch does not disclose a system including a controller for acquiring inventory and transaction data and for directly controlling vending operations of the vending machine, with the controller directly interfaced to one or more circuits of the vending machine, with the controller directly interfaced to one or more circuits of the vending machine, for initiating a vending operation upon receipt of a first short message service originated from a purchaser. Applicants also maintain that Martschitsch does not disclose a wireless modem for active communication between a network and the controller device.

Furthermore, Martschitsch does not disclose a controller device that can operate

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without requiring authorization from a central computer. Instead, Martschitsch requires the use of a service center (3) (see column 7, lines 8-23). In other words, Martschitsch does not disclose a controller device that, upon receipt of a short message, initiates a vending operation, directly controls the vending operation, and communicates transaction information of the vending operation to a central computer without requiring authorization from a central computer.

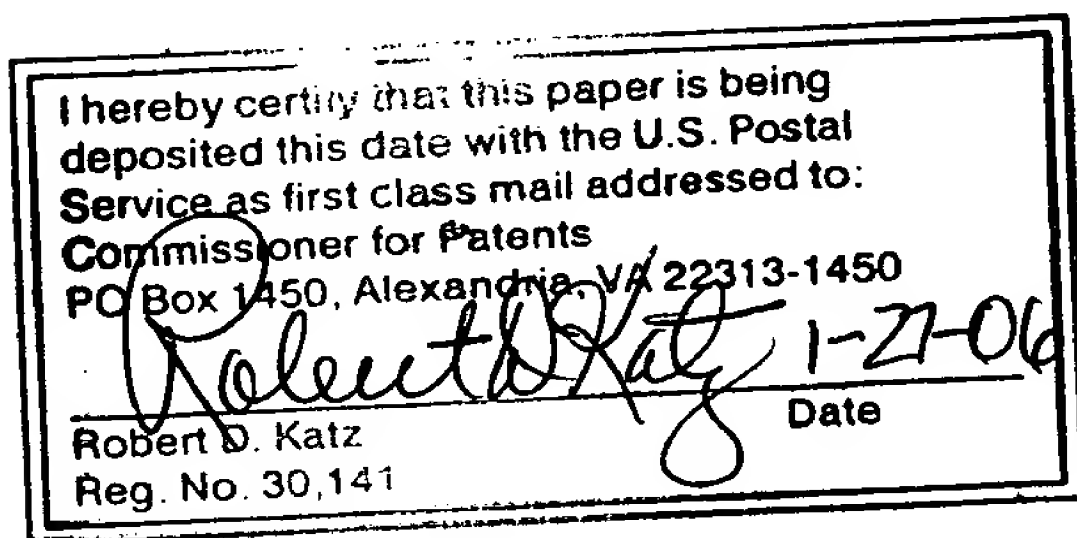
Accordingly, applicants submit that independent claim 21 defines unobvious patentable subject matter over Martschitsch in view of Defosse, and claims 22 and 26-27, which depend from independent claim 21, define patentable subject matter over Martschitsch in view of Defosse at least for the reasons set forth above. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Martschitsch, in view of Defosse, and further in view of Kolls. Claims 23-25 depend from independent claim 21 and are also believed to define patentable subject matter over Martschitsch at least for the reasons set forth above. Reconsideration and withdrawal of this rejection is respectfully requested.

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The Office is hereby authorized to charge any additional fees which may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, applicants hereby request such a petition, and the Commissioner is authorized to charge the requisite fee therefor to our deposit account No. 03-3125.



Respectfully submitted,



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